IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION NO.5171 OF 2007

Dated : March 26, 2007

Between:

Ahmed Hussain

Petitioner

AND

The Inspector, SOT, Amberpet,
Hyderabad and another

Respondents

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION NO.5171 OF 2007

ORAL ORDER: **(per THE HON'BLE MR. JUSTICE D.S.R.VARMA)**

Heard the learned Government Pleader for Home,

representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a 'telegram', dated 06.03.2007, by one Ahmed Hussain, S/o. Mohd. Hussain, R/o. 1-3-63, near R.T.C. Quarters, Rajendranagar, Mahaboobnagar, to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, alleging that his brother by name Mohd. Zakir Hussain, was illegally taken into custody by the Sub-Inspector of Police, Special Operation Team, Amberpet, Hyderabad, on the mid-night of 05.03.2007.

3. In response to the notices, issued by this Court, the respondent No.1-the Inspector of Police, Special Operation Team, Amberpet, Hyderabad, has filed a counter-affidavit stating, *inter alia*, that in connection with Crime No.53 of 2007, registered on the basis of a complaint, dated 02.03.2007, by one Nagire Ashok, R/o. Patancheru, Medak District, for the offence punishable under Section 363 of the Indian Penal Code, the alleged detenu was brought to the Police Station on 05.03.2007 and, after enquiry, he was let of under acknowledgement; that during the course of investigation, it is revealed that the bearer of Mobile No.99851 66283, which belongs to the alleged detenu, has been receiving calls constantly from one of the cell phones of the accused by name Fahed @ Pappu, after commission of the offence; that since his involvement in the alleged crime or connection with the said accused is not made out, no further action was initiated against the alleged detenu, and since the alleged detenu was not in the illegal custody of the police and is moving freely, he was produced before the Mandal Revenue Inspector, Mahaboobnagar, on 21.03.2007, for

recording his statement and accordingly his statement was recorded, which is made part of the record.

4. In view of the revelations in the counter-affidavit, we do not see any justifiable ground to entertain the writ petition.

5. For the foregoing, the writ petition fails and is liable to be dismissed.

6. Accordingly, the writ petition dismissed, at the stage of admission. However, there shall be no order as to costs.

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JUSTICE D.S.R.VARMA

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JUSTICE D.APPA RAO

26TH MARCH 2007
MAS/KRK